

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed February 25, 2004. Claims 1-23 remain pending in the present application. Claims 1-3, and 6-23 were rejected. Claims 4 and 5 were stated to contain allowable matter, but were objected to as being dependent upon a rejected base claim.

Applicant appreciates the Office Action's agreement that claims 4 and 5 contain allowable subject matter. Applicant submits that Claims 1-3 and 6-23 similarly contain allowable subject matter as written and reconsideration and allowance of the application and presently pending claims are respectfully requested.

A. Response To Claim Rejections Under 35 U.S.C. Section 103

1. Claims 1-3 and 6-15

Independent claim 1, as well as claims 6-15 which depend from claim 1, have all been rejected under 35 U.S.C. §103(a) as allegedly obvious in light of Lokey, US. Patent 3,785,230. Applicant respectfully traverses these rejections.

a. Claim 1

It is well established at law that for a proper rejection of a claim under 35 U.S.C. §103 the Office Action must establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837, F.2d 1071 (Fed. Cir. 1988).

Accordingly, to make a *prima facie* case for obviousness, there must be some prior art teaching or established knowledge that would suggest to a person having ordinary skill in the pertinent art to fill the voids apparent in the applied reference. *See, e.g., In Re Dow*

Chemical, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). It is respectfully asserted that no such *prima facie* case has been made in the outstanding Office Action with respect to claim 1.

Independent claim 1 states:

A system for detecting user entry into a defined danger zone surrounding a saw blade comprising:

a non-conductive member defining an opening therein for receiving a saw blade;
a conductive sensor situated on the non-conducting member adjacent the opening to define a danger zone;
a voltage source for applying a voltage to the sensor; and
a monitor circuit configured to detect a change in the capacitance of the sensor to signal a user entry into the danger zone.

(Emphasis added)

Independent claim 1 is allowable for at least the reason that Lokey does not disclose, teach, or suggest the features that are highlighted in claim 1 above.

As the Office Action admits, Lokey does not disclose a voltage source for applying a voltage to the sensor. Moreover, nothing in Lokey discloses, teaches or suggests such a voltage source.

Similarly, Lokey does not disclose does not disclose, teach or suggest the non-conductive member defining an opening for receiving a saw blade, with a conductive sensor situated on the non-conducting member adjacent to the opening. Instead, Lokey discloses a safety brake for rotary saws wherein an "amplifier 15 is connected to an antenna 16 positioned close to the blade 13 so that the blade 13 becomes a part of the electronic

circuit.” Lokey, Col. 1, lines 64-66. The blade is insulated from the saw body and blade guide “by insulating washers W” located on the shaft which passes through the blade. Lokey, Col. 1, lines 59-63.

In operation, Lokey determines a security distance between, in the situation described, the finger of a person and the blade 13 of the saw which is the distance at which the capacitance transmitted to the antenna through the blade member 13 complies with the conditions necessary for activating protective measures (initially a bell and finally a brake on the blade). Lokey, Col. 1, line 63 – Col. 2, line 31. The other embodiments in Lokey similarly only disclose a system where the antenna near the blade and the relevant security distance is determined by capacitance transmission from the protected object directly to the blade. *See, e.g.*, Lokey, Col. 2, lines 32-66.

Nowhere does Lokey disclose, teach or even suggest a “non-conductive member defining an opening therein for receiving a saw blade” with a “conductive sensor situated on the non-conducting member adjacent the opening to define a danger zone” **irrespective of the location (or even presence) of the saw blade**, and through a sensor not connected directly to a saw blade as claimed in Applicant’s claim 1.

The blade guide (12) in Lokey claimed by the Office Action to define an opening for receiving a saw blade is **not** the non-conductive member (as claimed in the present claim 1). Lokey, Col. 1, lines 58-63. Instead, the Lokey invention only discloses and suggests washers on the shaft through the blade as the non-conductive member. Similarly, the sensor in Lokey is not situated on the non-conductive member (nor adjacent to the opening for receiving the saw blade), but instead is positioned close to the blade such that the blade itself is part of the electrical circuit.

For at least these reasons discussed above, Lokey does not disclose, teach, or suggest all of the elements of claim 1, and claim 1 is not obvious in light of Lokey under 35 U.S.C. §103(a). Accordingly, Applicant respectfully requests that this rejection of claim 1 be withdrawn and requests that claim 1 be allowed.

b. Claims 6-15

Since independent claim 1 is allowable over the prior art of record, then its dependent claims 6-15 are allowable because these dependent claims contain all features/elements/steps of their respective independent claim 1. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Additionally, and notwithstanding the foregoing reasons for the allowability of claim 1, these dependent claims recite further features/steps and/or combinations of features/steps (as is apparent by examination of the claims themselves) that are patentably distinct from the prior art of record. Accordingly, there are additional reasons why these dependent claims are allowable and some of these reasons are set forth hereafter, as examples.

i) Claim 7

For example, claim 7 recites "[t]he system of claim 1, further comprising a motor control circuit coupled to the monitor circuit for controlling a motor driving the saw blade in response to the change in capacitance." Nothing in Lokey discusses a motor control circuit coupled to a monitor circuit for controlling a motor driving the blade. Instead, Lokey discloses an electric relay 18 with an adjustment knob 19 connected to a solenoid 21 such that the solenoid will activate at a predetermined event to engage cam brake members 24 with the blade 13 to stop the blade. Lokey, Col. 2, lines 2-31.

For at least this additional reason, claim 7 is not obvious in light of Lokey under 35 U.S.C. §103. Accordingly, Applicant respectfully requests that this rejection of claim 7 be withdrawn and requests that claim 7 be allowed.

ii) Claim 14

Claim 14 recites “[t]he system of claim 1, wherein the non-conductive member is receivable by an opening in a work surface.” In addition to the reasons set forth above with respect to claim 1, claim 14 is also allowable for a variety of other reasons. The Office Action cites Lokey Figures 7-9, stating that Lokey discloses that the claimed non-conductive member is receivable by an opening in a work surface, which is met by the saw blade mounted on the shaft for a table saw. Office Action, p. 4.

Applicant suggests that the only thing disclosed in Lokey is that the blade is receivable by the opening in the work surface, which is true for all table saws. However, the blade receivable by the opening in Lokey is not the non-conductive member. Instead, Lokely specifically states that the blade is conductive member as the invention in Lokey requires that the blade is “a part of the electronic circuit.” Lokey, Col. 1, lines 64-66. Nothing in Lokey discloses, teaches or suggests that the **non-conductive member** is receivable by the opening in the work surface as claimed in the present claim 14.

In fact, the invention disclosed in Lokey where the non-conductive member is a set of washers insulating the blade from the shaft through the blade teaches away from claim 14. If the washers on the shaft through the blade were received by the opening in the work surface, it is difficult to see how the Lokey saw would operate at all. Certainly nothing in Lokey teaches or suggests such an arrangement where the washers are receivable by the opening in the work surface.

For at least these additional reasons, claim 14 is also not obvious in light of Lokey under 35 U.S.C. §103. Accordingly, Applicant respectfully requests that this rejection of claim 14 be withdrawn and requests that claim 14 be allowed.

iii) Claim 15

Claim 15 recites "[t]he system of claim 1, wherein the non-conductive member forms a blade guard." In addition to the reasons set forth above with respect to claim 1, claim 15 is also allowable for a variety of the reasons. The Office Action cites Lokey, Col. 1, lines 54-63, stating that "Lokey discloses the claimed non-conductive member forming a blade guard, which is met by a blade guard 12." Office Action, p. 4.

Applicant submits that the Office Action misconstrues the cited portion of Lokey. As discussed above, Lokey only discloses a saw where insulating washers on the shaft are the non-conductive member: "the blade 13 is electrically insulated from the shaft 14 by insulating washers W." Lokey, Col 1, lines 64-66.

Nothing in Lokey discloses, teaches or suggests a saw where the blade guard is the non-conductive member. For at least this additional reason, claim 15 is not obvious in light of Lokey under 35 U.S.C. §103. Accordingly, Applicant respectfully requests that this rejection of claim 15 be withdrawn and requests that claim 15 be allowed.

c. Claims 2 and 3

Dependent claims 2 and 3 were also rejected under 35 U.S.C. §103 as allegedly being obvious over Lokey in view of Harris, US Pat. 4, 075,961. Applicant respectfully traverses these rejections as well. As discussed above, independent claim 1, from which claims 2 and 3 depend, is allowable over the prior art. For that reason alone, claims 2 and 3, which depend from claim 1 and contain all of the limitations of claim 1, are also allowable.

Additionally, and notwithstanding the foregoing reasons for the allowability of claim 1, these dependent claims recite further features/steps and/or combinations of features/steps (as is apparent by examination of the claims themselves) that are patentably distinct from the prior art of record.

For a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

Additionally, teachings of references can be combined only if there is some suggestion or incentive to do so. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, there must be a teaching in the relevant art which would suggest to a person having ordinary skill in that art the desirability of combining the references.

i. Claim 2

Dependent claim 2 recites “[t]he system of claim 1, wherein the sensor at least partially surrounds the opening.” Nothing in Lokey, Harris, or the combination of the two references disclose, teach, or suggest “a non-conductive member defining an opening therein for receiving a saw blade” with “a conductive sensor situated on the non-conducting member adjacent the opening to define a danger zone”, where “the sensor at least partially surrounds the opening” as claimed in claim 2.

The Office Action admits that Lokey “does not specifically disclose the claimed sensor at least partially surrounding the opening.” Office Action, p. 6. However, according

to the Office Action, Lokey does disclose a "capacitance proximity sensor located near the blade" while Harris discloses "a wire antenna sensor 36 surround[ing] the area of the needle of a sewing machine 24 to provide a sensor that will detect the operator's finger approaching the needle." Office Action, p.6. The Office Action concludes that "[s]ince both Lokey and Harris disclose antenna devices that are placed adjacent a machine tool for providing safety as a hand/finger approaches the tool" it would have been obvious to combine the two references.

As set forth above, the only system disclosed, suggested or taught by Lokey is a system where the saw blade itself is part of the electric circuit that detects a change in capacitance as a user approaches the blade. Harris on the other hand discloses an antenna for a radio frequency signal, where the radio frequency detected by the antenna is generated by a metal plate on which the operator sits.

The Lokey and Harris references actually teach away from each other as to the type of signal generated and received by the antennas in each reference, showing that there is no motivation to combine these references at all, and that the Office Action has not met its burden or presenting a *prima facie* case of obviousness under 35 U.S.C. §103.

Even assuming the Office Action is correct that the teachings may be combined, a combination of the teachings of Lokey and Harris would still not teach or lead to the invention claimed in claim 2 of the present Application. Combination of the inventions in Harris and Lokey do not lead to an operable system at all since Harris discloses a radio signal generated from a plate on which the operator sits while Lokey discloses a measurement of capacitance at defined distances from a saw blade where the saw blade is part of the electric circuit.

Note that the invention claimed in claim 2 is operable regardless of where the operator chooses to stand (Harris requires that the operator sit/stand on a signal-generating plate) and regardless of the actual presence of the saw blade (Lokey only discloses a measurement of a distance to the saw blade itself). For this additional reason, claim 2 is not obvious under 35 U.S.C. §103 in light of the combination of these two references as those two references do not teach or suggest every feature of claim 2. Accordingly, Applicant respectfully requests that this rejection of claim 2 be withdrawn and requests that claim 2 be allowed.

ii. Claim 3

Dependent claim 3 was also rejected under 35 U.S.C. §103(a) as allegedly being obvious over Lokey in view of Harris. Applicant respectfully traverses this rejection as well. As discussed above, claim 2 from which claim 3 depends, is allowable over the prior art. For that reason alone, claim 3 is also allowable. Additionally, and notwithstanding the foregoing reasons for the allowability of claim 2, these dependent claims recite further features/steps and/or combinations of features/steps (as is apparent by examination of the claims themselves) that are patentably distinct from the prior art of record.

2. Claims 16-20

Independent Claim 16, as well as Claims 17-20 which depend from Claim 16 have all been rejected under 35 U.S.C. §103(a) as allegedly anticipated by Lokey. Applicant respectfully traverses these rejections because the Lokey reference cited does not disclose all of the elements of these claims as discussed more fully below.

a. Claim 16

As set forth above, it is well established at law that for a proper rejection of a claim under 35 U.S.C. §103 the Office Action must establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837, F.2d 1071 (Fed. Cir. 1988).

Accordingly, to make a *prima facie* case for obviousness, there must be some prior art teaching or established knowledge that would suggest to a person having ordinary skill in the pertinent art to fill the voids apparent in the applied reference. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). It is respectfully asserted that no such *prima facie* case has been made in the outstanding Office Action with respect to claim 16.

Independent claim 16 states:

A power saw system comprising:

- a blade;
- a motor driving the blade;
- a table supporting a work piece, the table defining an opening therethrough;
- a non-conductive insert defining a slot therethrough for receiving a saw blade, the non-conducting insert received by the opening in the table;**
- a conductive sensor situated on the insert adjacent the slot to define a danger zone;**
- a voltage source for applying a voltage to the sensor; and
- a monitor circuit configured to detect a change in the capacitance of the sensor to signal a user entry into the danger zone.

(Emphasis added)

Independent claim 16 is allowable for at least the reason that Lokey does not disclose, teach, or suggest the features that are highlighted in claim 16 above. The Office Action cites the "blade 113 mounted on a shaft 114, with insulated washers W; the blade 113 extending through the table" (Office Action, p. 4) as meeting "the claimed non-conducting member defining an opening therein for receiving a saw blade." Applicant submits that the Office Action's reliance on these elements of the Lokey system is misplaced.

These elements in Lokey, shown in Figures 7-9 disclose a saw blade where the only disclosed, suggested, or taught "non-conductive member" are washers on the shaft holding the saw blade. Lokey, Figures 7-9, Col. 1, lines 58-63. These "non-conductive" washers disclosed in Lokey are on the shaft about which the saw blade turns. The "non-conductive" washers in Lokey are not, and cannot be said to teach or suggest "a non-conductive insert defining a slot therethrough for receiving a saw blade" as claimed in claim 16 of the present Application. Similarly, the "non-conductive" washers in Lokey do not teach or suggest a system where "the non-conducting insert [is] received by the opening in the table" as also claimed in claim 16 of the current application.

Moreover, nothing in Lokey teaches or suggests "a conductive sensor **situated on the insert adjacent the slot to define a danger zone**" as claimed in claim 16 of the present Application. The amplifier circuit in Lokey that the Office Action argues to disclose this element of claim 16 is not shown in Figures 7-9 (other than an unmarked arrow pointing away from the embodiment depicted in Figure 7 and labeled "To Amp."). Nor is there any indication, suggestion or teaching that the amplifier circuit is "situated on the insert adjacent the slot to define a danger zone" as claimed in claim 16.

Additionally, in operation, Lokey determines a "security distance" from the saw blade and the operator via an electric circuit through the saw blade – the Lokey disclosure states unequivocally that "the blade 13 becomes a part of the electronic circuit." Col. 1, lines 65-66. Thus, the Lokey system does not disclose, suggest, or teach a system where the danger zone is defined by irrespective of the location of the saw blade, and through a sensor not connected to the saw blade as claimed in Applicant's claim 16.

For at least the reasons discussed above, Lokey does not disclose, teach, or suggest all of the elements of claim 16, and therefore claim 16 is not obvious in light of Lokey under 35 U.S.C. §103(a). Accordingly, Applicant respectfully requests that this rejection of claim 16 be withdrawn and requests that claim 16 be allowed.

b. Claims 17-20

Since independent claim 16 is allowable over the prior art of record, then its dependent claims 17-20 are allowable as a matter of law, because these dependent claims contain all features/elements/steps of their respective independent claim 16. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Additionally, and notwithstanding the foregoing reasons for the allowability of claim 16, these dependent claims recite further features/steps and/or combinations of features/steps (as is apparent by examination of the claims themselves) that are patentably distinct from the prior art of record. Accordingly, there are additional reasons why these dependent claims are allowable.

3. Claim 21

Independent Claim 21 has also been rejected under 35 U.S.C. §103(a) as allegedly anticipated by Lokey. Applicant respectfully traverses these rejections because the Lokey

reference cited does not disclose, suggest or teach all of the elements of this claim as discussed more fully below.

As set forth above, it is well established at law that for a proper rejection of a claim under 35 U.S.C. §103 the Office Action must establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837, F.2d 1071 (Fed. Cir. 1988).

Accordingly, to make a *prima facie* case for obviousness, there must be some prior art teaching or established knowledge that would suggest to a person having ordinary skill in the pertinent art to fill the voids apparent in the applied reference. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). It is respectfully asserted that no such *prima facie* case has been made in the outstanding Office Action with respect to claim 21.

Independent claim 21 states:

A power saw system comprising:

- a blade;
- a motor driving the blade;
- a non-conducting blade guard having the blade mounted therein;**
- a conductive sensor situated on the blade guard adjacent the blade to define a danger zone;**
- a voltage source for applying a voltage to the sensor; and
- a monitor circuit configured to detect a change in the capacitance of the sensor to signal a user entry into the danger zone.

(Emphasis added)

Independent claim 21 is allowable for at least the reason that Lokey does not disclose, teach, or suggest the features that are highlighted in claim 21 above.

The Office Action cites Lokey, Col. 1, lines 54-63, stating that "Lokey discloses the claimed non-conductive member forming a blade guard, which is met by a blade guard 12." Office Action, p. 4.

Applicant submits that the Office Action misconstrues the cited portion of Lokey. As discussed above, Lokey only discloses a saw where insulating washers on the shaft are the non-conducting member: "the blade 13 is electrically insulated from the shaft 14 by insulating washers W." Lokey, Col. 1, lines 64-66.

Nothing in Lokey discloses, teaches or suggests a saw where the blade guard is the non-conductive member. For at least this reason, claim 21 is not obvious in light of Lokey under 35 U.S.C. §103(a). Accordingly, Applicant respectfully requests that this rejection of claim 21 be withdrawn and requests that claim 21 be allowed.

4. Claim 22

Independent Claim 22 has also been rejected under 35 U.S.C. §103(a) as allegedly anticipated by Lokey. Applicant respectfully traverses these rejections because the Lokey reference cited does not disclose, suggest or teach all of the elements of this claim as discussed more fully below.

As set forth above, it is well established at law that for a proper rejection of a claim under 35 U.S.C. §103 the Office Action must establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of

ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837, F.2d 1071 (Fed. Cir. 1988).

Accordingly, to make a *prima facie* case for obviousness, there must be some prior art teaching or established knowledge that would suggest to a person having ordinary skill in the pertinent art to fill the voids apparent in the applied reference. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). It is respectfully asserted that no such *prima facie* case has been made in the outstanding Office Action with respect to claim 22.

Independent claim 22 recites:

A system for detecting user entry into a defined danger zone surrounding a saw blade, comprising:

a non-conducting member defining an opening therein for receiving a saw blade;
a conductive sensor situated on the non-conducting member adjacent the opening to define a danger zone;
a voltage source for applying a voltage to the sensor; and
means for detecting a change in capacitance of the sensor to signal a user entry into the danger zone.

(Emphasis added)

Independent claim 22 is allowable for at least the reason that Lokey does not disclose, teach, or suggest the features that are highlighted in claim 22 above.

Lokey does not disclose does not disclose, teach or suggest the non-conductive member defining an opening for receiving a saw blade, with a conductive sensor situated on

the non-conducting member adjacent to the opening. Instead, Lokey discloses a safety brake for rotary saws wherein an “amplifier 15 is connected to an antenna 16 positioned close to the blade 13 so that the blade 13 becomes a part of the electronic circuit.” Lokey, Col. 1, lines 64-66. The blade is insulated from the saw body and blade guide “by insulating washers W” located on the shaft which passes through the blade. Lokey, Col. 1, lines 59-63.

In operation, Lokey determines a security distance between, in the situation described, the finger of a person and the blade 13 of the saw which is the distance at which the capacitance transmitted to the antenna through the blade member 13 complies with the conditions necessary for activating protective measures (initially a bell and finally a brake on the blade). Lokey, Col. 1, line 63 – Col. 2, line 31. The other embodiments in Lokey similarly only disclose a system where the antenna is connected to the blade and the relevant security distance is determined by a transmission from the protected object directly to the blade. *See, e.g.*, Lokey, Col. 2, lines 32-66.

Nowhere does Lokey disclose, teach or even suggest a “non conductive member defining an opening therein for receiving a saw blade” with a “conductive sensor situated on the non-conducting member adjacent the opening to define a danger zone” **irrespective of the location (or even presence) of the saw blade**, and through a sensor not connected directly to a saw blade as claimed in Applicant’s claim 22.

The blade guide (12) in Lokey claimed by the Office Action to define an opening for receiving a saw blade is **not** the non-conducting member (as claimed in the present claim 22). Lokey, Col. 1, lines 58-63. Instead, the Lokey invention only discloses and suggests washers on the shaft through the blade as the non-conducting member. Similarly, the sensor

in Lokey is not situated on the non-conducting member (nor adjacent to the opening for receiving the saw blade), but instead is positioned close to the blade such that the blade itself is part of the electrical circuit.

For at least these reasons discussed above, Lokey does not disclose, teach, or suggest all of the elements of claim 22, and claim 22 is not obvious in light of Lokey under 35 U.S.C. §103(a). Accordingly, Applicant respectfully requests that this rejection of claim 22 be withdrawn and requests that claim 22 be allowed.

5. Claim 23

Independent Claim 23 has also been rejected under 35 U.S.C. §103(a) as allegedly anticipated by Lokey. Applicant respectfully traverses these rejections because the Lokey reference cited does not disclose, suggest or teach all of the elements of this claim as discussed more fully below.

As set forth above, it is well established at law that for a proper rejection of a claim under 35 U.S.C. §103 the Office Action must establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837, F.2d 1071 (Fed. Cir. 1988). It is respectfully asserted that no such *prima facie* case has been made in the outstanding Office Action with respect to claim 23.

Independent claim 23 recites:

A method for detecting user entry into a defined danger zone surrounding a saw blade, comprising:

situating a non-conducting member adjacent a saw blade, the non-conducting member having a conductive sensor attached thereto defining a danger zone;
applying a voltage to the sensor; and
detecting a change in capacitance of the sensor to signal a user entry into the danger zone.

(Emphasis added)

Independent claim 23 is allowable for at least the reason that Lokey does not disclose, teach, or suggest the elements that are highlighted in claim 23 above.

Lokey does not disclose does not disclose, teach or suggest situating a non-conductive member adjacent a saw blade, with the conductive member having a conductive sensor attached thereto defining a danger zone. Instead, Lokey discloses a safety brake for rotary saws wherein an “amplifier 15 is connected to an antenna 16 positioned close to the blade 13 so that the blade 13 becomes a part of the electronic circuit.” Lokey, Col. 1, lines 64-66. The blade is insulated from the saw body and blade guide (necessary for the blade to be part of the electronic circuit) “by insulating washers W” located on the shaft which passes through the blade. Lokey, Col. 1, lines 59-63.

In operation, Lokey determines a security distance between, in the situation described, the finger of a person and the blade 13 of the saw which is the distance at which the capacitance transmitted to the antenna through the blade member 13 complies with the conditions necessary for activating protective measures (initially a bell and finally a brake

on the blade). Lokey, Col. 1, line 63 – Col. 2, line 31. The other embodiments in Lokey similarly only disclose a system where the antenna is connected to the blade and the relevant security distance is determined by a transmission from the protected object directly to the blade. *See, e.g.*, Lokey, Col. 2, lines 32-66.

Nowhere does Lokey disclose, teach or even suggest a “situating a non-conductive member adjacent a saw blade”, with the “conductive member having a conductive sensor attached thereto defining a danger zone” where the saw blade is not part of the electric circuit as claimed in Applicant’s claim 23.

Instead, the Lokey invention only discloses and suggests washers on the shaft through the blade as the non-conducting member. Similarly, the sensor in Lokey is not situated on the non-conducting member (nor adjacent to the opening for receiving the saw blade), but instead is positioned close to the blade such that the blade itself is part of the electrical circuit.

For at least these reasons discussed above, Lokey does not disclose, teach, or suggest all of the elements of claim 23, and claim 23 is not obvious in light of Lokey under 35 U.S.C. §103. Accordingly, Applicant respectfully requests that this rejection of claim 23 be withdrawn and requests that claim 23 be allowed.

B. Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing and for at least the reasons set forth above, Applicant respectfully submits that all rejections have been traversed and that the now pending claims 1-23 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 384-2838.

PETITION FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions for an extension of time of three months to and including August 25, 2004, in which to respond to the Office Action dated February 25, 2004. Any fee required for said extension of time are hereby authorized to be charged to deposit account no. 502889. It is not believed that any additional fees are required. However, in the event that any additional fees are required and/or are necessary to allow consideration of this paper, such fees are also hereby authorized to be charged to deposit account no. 502889.

Respectfully submitted,



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